

Application No. 10/521,563
Amendment under 37 CFR 1.111
Reply to Office Action dated August 10, 2007
November 13, 2007

REMARKS

By this amendment, new claims 12-22 have been added to the application. Currently, claims 1-22 are pending in this application and are believed to be allowable in view of the submission of a certified translation of the German priority application antedating one of the references used in both rejections.

The indication that claims 4-5 were allowed is noted with appreciation.

Claims 7-11 were rejected under 35 USC 102(e) as being anticipated by Nishikawa (U.S. Patent No. 6,875,981). Claims 1-3 and 6 were rejected under 35 USC 103(a) as being obvious over Nishikawa and further in view of Yasutake (U.S. Patent No. 5,440,122).

These rejections are respectfully traversed because applicants hereby submit an English translation of applicants' priority application (German Patent Application No. 102 34 507.4). This translation proves the support in the priority application, and therefore applicants are entitled to the July 24, 2002 priority date. This priority date is earlier than the international publication date of Nishikawa, which is November 21, 2002. Since the international publication was published in

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Japanese, and not in English, both the provisional application filing date (March 26, 2001) and the international filing date (March 22, 2002) of Nishikawa cannot be used by the Examiner. MPEP 706.02(f)(1)(I)(C)(2). Therefore, applicants respectfully request the Examiner to withdraw these rejections in view of this submission.

New claims 11-22 have been added to the application. These claims are similar to claims 1-11. Applicants respectfully submit that these claims should also be allowable for the same reasons as claims 1-11.

Applicants also submit that this application is now in condition for allowance and an action to this effect is respectfully requested.

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If there are any questions or concerns regarding this amendment or these remarks, the Examiner is requested to telephone the undersigned at the telephone number listed below.

Respectfully submitted,



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Date: November 13, 2007

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